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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re U.S. National Phase Application of: Raymond Rodriguez and Mark Magbanua

Title: The Use of Lunasin Peptide as a Transcriptional Activator to Prevent Cancer and Related Methods for Treatment, Monitoring and Prognosis

Serial No.:	10/591,097
Filing Date:	15 Feb 2005
Examiner:	Not yet assigned
Group Art Unit:	Not yet assigned
International application number:	PCT/US2005/004868
International Filing Date:	15 <sup>th</sup> February 2005
Priority Data:	1 <sup>st</sup> March 2004 (60/549,487) 21 <sup>st</sup> October 2004 (60/621,217)
Publication number:	WO 2005/091823
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Customer No.	039843

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**  
**and AMENDMENT**

Dear Examiner:

This is a response to the restriction requirement mailed 17 April 2009. A one month response time was given. A response with a 2 month extension of time is due by Friday 17 July 2009.

The applicant hereby requests for a 2 month extension of time, with a \$245 extension of time fee, the applicant claiming small entity status.

**DEPOSIT ACCOUNT AUTHORIZATION**

The Commissioner is hereby authorized to charge any calculated fee or any additional fees associated with this communication in particular and this application in general, and to credit any overpayment to Bell & Associates Deposit Account No. 50-3194.

**Genus Election**

The applicant elects, with traverse, Group I, claims 1-12 drawn to methods for screening a test compound for anti-neoplastic activity (please note that the restriction requirement said “neoplastic activity”, which is incorrect).

**Species Election**

The applicant is required to elect a species. The species are deemed to be the genes and the combination of genes recited in Table 1. The applicant is required to elect a single gene from Table 1 or one particular combination of genes selected from Table 1. The applicant elects, without traverse, the following combination of genes selected from Table 1:

ADAM9  
BUB1B  
Gene 85 (also called “CD44”)  
CD46  
GJA1  
HIF1A  
ITGB1  
LAMB1  
MAD2L1  
Gene 13 from Table 1 (also called “FLJ20373” or “MAP4K4”)  
Gene 98 from Table 1 (also called “formin binding protein 3” or “PRPF40A”)  
PSMC6  
RANBP2  
Gene 58 from Table 1 (also called “CSPG6” or “SMC3”)  
SP3  
THBS1  
TTK  
PRKAR1A  
TOB1  
Gene 73 from Table 1 (called “Acidic (leucine-rich) nuclear phosphoprotein 32 family, member E”.)

All of these are found in Table 1 of the application as filed.

The claims as amended, readable upon the elected species are claims 1, 2, 3, 8, 9, 10, and 11.